

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NATIONAL LEGAL AND POLICY
CENTER, PETER T. FLAHERTY, and
JAMES R. TOVAR, Jamie;

8:24CV162

Plaintiffs,

vs.

BERKSHIRE HATHAWAY INC., and
WARREN BUFFETT,

ORDER TO SHOW CAUSE

Defendants.

This matter comes before the court after a review of the docket and pursuant to NECivR41.2, which states in relevant part: "At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution."

The complaint was filed on May 3, 2024 against various defendants. Filing No. 1. Apart from Defendants John Doe 1 and John Doe 2 ("Doe Defendants"), Defendants moved to dismiss, which the Court granted. Filing No. 36. In that Order, the Court ordered that absent an extension of time for leave to serve the Doe Defendants, Plaintiffs' claims against them would be dismissed on November 5, 2024. Filing No. 36. Upon Plaintiff's showing of good cause, the deadline to serve the Doe Defendants was extended to November 27, 2024. Filing No. 38.

Thereafter, Plaintiffs filed an amended complaint naming the Doe Defendants, which was stricken for being filed without leave. Filing Nos. 39 and 44. Prior to the order striking the amended complaint, Plaintiffs sought an extension of time to serve the newly named defendants. Filing No. 43. The Court denied Plaintiffs' motion as moot because, after the amended complaint was stricken, the defendants named in Plaintiffs' motion were not named in the operative complaint. Filing No. 45.

At this time, Plaintiff has not moved for leave to file an amended complaint nor requested additional time to serve Doe Defendants. This Court ordered Plaintiff to serve Doe Defendants on or before November 5, 2024, which was extended to November 27, 2024. Filing Nos. 36 and 38. Plaintiffs have not filed a return of service indicating service on John Doe 1 or John Doe 2, and Defendant Does have not voluntarily appeared.

Accordingly,

IT IS ORDERED that plaintiff shall have until January 21, 2025 to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 7th day of January, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge